

17

DEC 04 2000

Exhibit 17



COMMONWEALTH OF PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

OFFICE OF THE BOARD SECRETARY
1101 South Front Street, Suite 5300
Harrisburg, PA 17104-2519
(717) 787-5684
November 29, 2000

FILED
COMMON PLEAS COURT
VENANGO COUNTY, PA
2000 DEC -4 A 11:10
PENNSYLVANIA
PROBATIONARY AND
CLERK OF COURTS

HONORABLE OLIVER LOBAUGH
COURT OF COMMON PLEAS
VENANGO COUNTY COURTHOUSE
1168 LIBERTY STREET
FRANKLIN, PA 16323-0000

RE: Inmate Name: MCNATT EDWARD JOSEPH
Parole Number: 0312V
Bill & Term: CR 980000183
CR 980000182

Dear Judge:

The Pennsylvania Board of Probation and Parole, in accordance with the provisions of the Parole Act of 1941, 61 P.S. § 331 et seq., has scheduled the above-named inmate for parole consideration.

Review of the case, including an interview with the Board, is scheduled for MARCH, 2001. Your recommendations regarding the inmate's possible release on parole will be taken into consideration by the Board prior to a decision being reached in this case. Therefore, please submit any recommendations to this office by JANUARY 29, 2001. We have enclosed a form Memorandum for your convenience if you wish to use it in lieu of other written comments.

Section 18 of the Parole Act, 61 P.S. § 331.18, provides that "[i]t shall be the duty of the court sentencing any person for a term, as to which power to parole is herein given to Board, to transmit to the said board, within thirty days after the imposition of such sentence, a copy of the notes of testimony which may have been filed of record in the case." Accordingly, the Board has sent a request for the sentencing transcript directly to the Clerk of Court.

Thank you for your cooperation in this matter.

Respectfully,

Kathleen Zwierzyna

Kathleen Zwierzyna
Board Secretary

An Equal Employment Opportunity Employer
Accredited by the Commission on Accreditation for Corrections/American Correctional Association

AS/CF

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MEMORANDUM

To: Office of the Board Secretary
Board of Probation and Parole

From: Oliver J. Lobaugh
Judge, Court of Common Pleas

Date: 12-4-00

RE: Inmate Name: MCNATT EDWARD JOSEPH
Parole Number: 0312V
Bill & Term: CR 980000183
CR 980000182

FILED
PROBATION AND
PAROLE
CLERK OF COURTS

2000 DEC -5 A 9 28

FILED
COMMON PLEAS COURT
ALLEGHENY COUNTY, PA

I have reviewed your letter requesting my recommendation for the parole of the above-named inmate. Please be advised that I (was ☒) (was not ☐) the sentencing judge in this case. Please note the following:

☐ I recommend that the defendant be released upon the expiration of the minimum sentence.

☐ I recommend that the defendant be released upon the expiration of the minimum sentence, provided that the inmate: has successfully completed the prescribed program plan; and, has demonstrated satisfactory adjustment while incarcerated, as evidenced by a favorable recommendation of the Pennsylvania Department of Corrections.

☒ I have no recommendation at this time. I defer to the Board of Probation and Parole in the exercise of its discretion.

☐ I recommend that the defendant be refused parole at this time. (Because additional comments are requested, please see my attached letter.)

☐ I recommend that the defendant be refused parole and that he remain incarcerated until the expiration of the maximum sentence. (Because additional comments are requested, please see my attached letter.)

☐ Please see the attached comments.


Judge's Signature

AS/CF

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COMMONWEALTH OF PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

Exhibit 19

OFFICE OF THE BOARD SECRETARY
1101 South Front Street, Suite 5300
Harrisburg, PA 17104-2519
(717) 787-5684
November 29, 2000

CLERK OF COURT
VENANGO COUNTY COURTHOUSE
1168 LIBERTY STREET
FRANKLIN, PA 16323-0000

RE: Inmate Name: MCNATT EDWARD JOSEPH
Parole Number: 0312V
Bill & Term: CR 980000183
CR 980000182

FILED
VENANGO COUNTY COURT
CLERK OF COURTS
DEC - 4 A 11:00
RECEIVED
PROBATIONARY AND
PAROLE

Dear Sir/Madam:

The Pennsylvania Board of Probation and Parole, in accordance with the provisions of the Parole Act of 1941, 61 P.S. § 331 et seq., has scheduled the above-named inmate for parole consideration. Review of the case, including a formal interview with the Board, is scheduled for MARCH, 2001.

Section 18 of the Act, 61 P.S. § 331.18, provides that "[i]t shall be the duty of the court sentencing any person for a term, as to which power to parole is herein given to Board, to transmit to the said board, within thirty days after the imposition of such sentence, a copy of the notes of testimony which may have been filed of record in the case." Section 19 of the Act, 61 P.S. § 331.19, requires that the Board further consider "...the notes of testimony of the sentencing hearing, if any, together with such additional information regarding the nature and circumstances of the offense committed for which sentence was imposed as may be available." Section 19 also states: "All public officials having possession of such records or information are hereby required and directed to furnish the same to the Board upon its request and without charge therefor."

If a transcript of the sentencing hearing exists, and the Court has not already transmitted a copy, please do so by JANUARY 29, 2001. The Board shall presume that no such record is available if it has not received a copy by that date.

Thank you for your cooperation in this matter.

Very truly yours,

Kathleen Zwierzyzna

Kathleen Zwierzyzna
Board Secretary

An Equal Employment Opportunity Employer
Accredited by the Commission on Accreditation for Corrections/American Correctional Association

AS/CF

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Venango County Courthouse

1168 Liberty Street
Franklin PA 16323
Melissa R. Keating, Lead Reporter
Dee Ann Priester
Sondra A. Black

Board of Probation and Parole
Office of the Board Secretary
1101 South Front Street, Suite 5300
Harrisburg PA 17104-2519

January 19, 2001

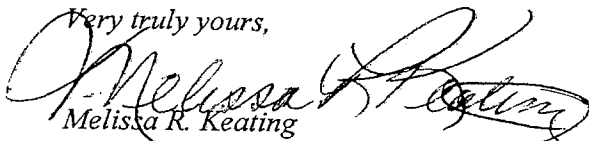
RE:	COMM VS EDWARD J. MCNATT C.R. No. 182 & 183 - 1998 Parole No. 0312-V	COMM VS CHRISTOPHER MCKLVEEN C.R. No. 684 - 1998 Parole No. 2259-U
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Dear Ms. Zwierzyna:

Please be advised that a transcript of the sentence hearing of the above-mentioned Defendants has not been prepared as of this date. A transcript has been ordered and will be prepared at the earliest possible date. While our office recognizes the importance of the Board reviewing the sentence hearing in considering parole for a Defendant, we have been instructed that Superior Court appeal transcripts are our first priority. We have been further instructed that we should comply with your request for transcript if possible.

I will continue to send this letter or a copy of an existing transcript in response to your written form letter.

Very truly yours,


Melissa R. Keating
Official Court Reporter

cc: file
Carol Hutchison, District Court Administrator
H. William White, President Judge
Oliver J. Lobaugh, Judge
✓ Clerk of Courts

FILED
COMMON PLEAS COURT
VENANGO COUNTY, PA
2001 JAN 19 A 9:44
PEGGY L. MILLER
PROTHONOTARY AND
CLERK OF COURTS

21

APR 14 2004

Exhibit 21

I, EDWARD JOSEPH MCNATT hereby certifies that on this day I am serving a true and correct copy of the foregoing Motion to Strike Judgement of Order for Support upon the Person(s) and in the manner indicated below, which service satisfies the Pennsylvania Rules of Civil Procedure.

SERVICE BY FIRST CLASS MAIL ADDRESSED AS FOLLOWS:

VENANGO COUNTY COURTHOUSE
CLERK OF COURTS
% JUDGE, OLIVER LOBAUGH
LIBERTY ST.
FRANKLIN, PA 16323

PEGGY L. MILLER
PROTHONOTARY AND
CLERK OF COURTS

2004 APR 14 PM 12:29

FILED
COMMON PLEAS COURT
VENANGO COUNTY, PA

Date: April 12, 2004

Edward Joseph McNatt

COMMONWEALTH OF PENNSYLVANIA

Case Nos: CR 183/1998
CR 182/1998

vs.

EDWARD JOSEPH MCNATT

Misc. No:

ORDER

AND NOW it is hereby ORDERED and DECREED that the defendants instant petition for relief be granted, to wit:

1. No further monies shall be taken from the defendants, inmate prison account (DL6772) EDWARD JOSEPH MCNATT to such time as this court has held a hearing and made a determination as to the Petitioners ability to pay said costs, fines, and restitution; after the submission of the financial status of the petitioner.
2. That all monies taken purportedly under the premise of a non-existent ORDER by this court, be immediately calculated and refunded in total to the Petitioner, EDWARD JOSEPH MCNATT (DL6772), and notice of compliance with this ORDER be given to this Court by the PENNSYLVANIA DEPT. OF CORRECTIONS, SCI HOUTZDALE, RECORDS/INMATE ACCOUNTING DEPARTMENT by First Class Mail (United States).
3. It is further ORDERED that the clerk of court shall provide the defendant/petitioner along with all parties hereto, with a certified copy of this ORDER by First Class United States Mail, upon its execution.
- 4.

/s/ _____ J.
BY THE COURT

Date: _____, 2004 A.D.

COMMONWEALTH OF PENNSYLVANIA

Case Nos: CR 183/1998
CR 182/1998

vs.

EDWARD JOSEPH MCNATT

Misc. No: _____

PETITION FOR RELIEF/REMEDY

TO THE HONORABLE, JUDGE ~~E. J. A.~~ O. LOBAUGH :

AND NOW COMES, DEFENDANT, EDWARD JOSEPH MCNATT AND RESPECTFULLY MOVES THE HONORABLE COURT FOR THE MOTION OF APPLICATION FOR RELIEF, IN SUPPORT, THE DEFENDANT AVERS THE FOLLOWING:

1. On October 20, 1998 A.D., defendant appeared in your courtroom to be sentenced on case numbers, CR 183/1998; CR 182/1998, which defendant plead guilty to.

2. A sentence of incarceration at a State Correctional Facility was imposed along with substantial fines totaling \$1,012.30 +.

3. No determination was made at the time of sentencing as to defendants ability to pay said costs, fines, and/or restitution while incarcerated. See:

Under the principles of (Boofer v. Lotz 797 A2d. 1074 it was decided that the "trial court was required to make a determination of the ability to pay court costs, prior to ordering a twenty (20) percent deduction from the inmates account to satisfy those costs". It also states that "Moreover the DEPARTMENT OF CORRECTIONS does not have any independent authority to determine the amount of the installment payment").

4. Defendant has requested proof from Inmate Accounts at SCI HOUTZDALE that a court order exists requiring them to remove money from defendants account. Defendant believes that no such court order exists as no proof has been produced.
5. Currently, defendant receives only a nominal amount of money from the DEPT. OF CORRECTIONS. This amount does not cover the basic hygiene products that the defendant must purchase each month from the commissary at SCI HOUTZDALE and provides even less after the twenty (20) percent deduction is made by Inmate Accounts at SCI HOUTZDALE.
6. Defendant sometimes receives small monetary gifts from non-incarcerated friends and/or family outside of the Correctional system. However, this still does not amount to much money.
7. Defendant is left unable to purchase the products necessary to provide and sustain healthy, clean living.
8. Defendant has every intention to pay the fines, costs, and restitution after release from incarceration at which time defendant will be in a better financial position.

FILED
 COMMON PLEAS COURT
 VENANGO COUNTY, PA
 2004 APR 14 P
 PEGGY L. MILLER
 PROTHONOTARY
 CLERK OF COURT

Case 1:05-cv-00128-SJM-SPB Document 12-6 Filed 08/12/2005 Page 13 of 14
WHEREFORE, for any of the foregoing reasons, it is requested that this court order
that the PENNSYLVANIA DEPARTMENT OF CORRECTIONS and Inmate Accounts at SCI HOUTZDALE
to stop deducting money from defendants account.

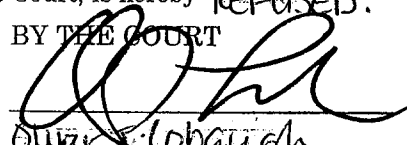
Date: April 12, 2004 A.D.

Respectfully Submitted

Edward Joseph McNatt

AND NOW April 15, 2004
the within Motion having been presented
to the Court, is hereby ~~REFUSED~~.

BY THE COURT


Oliver S. Lobau
Judge

CC: Δ mailed
4-15-04

